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on the public nor condemned as contrary to good morals because involving an element of chance.

But there has been some legislation permitted in connection with employment agencies because of the tendency to defraud where carried on by dishonest men. Here, however, they are subject only to reasonable legislative regulation by imposing conditions and licenses on them. *Brazee v. Michigan*, 241 U. S. 340; *People v. Worden*, 183 N. Y. 223, 76 N. E. 11, 2 L. R. A. (N. S.) 859.

But a regulation limiting the charge which an employment agency may make to ten per cent of the first month's wage of the applicant was held unconstitutional. *Ex parte Deckey*, 114 Cal. 234, 77 Pac. 924, 66 L. R. A. 928, 103 Am. St. Rep. 82. In *Brazee v. Michigan*, *supra*, the statute contained this same condition but the court did not consider it. And a city ordinance, defining the common law crime of fraud and providing a penalty only in case it was committed by an employment agency was held void. *Spokane v. Macho*, 51 Wash. 322, 98 Pac. 755, 21 L. R. A. (N. S.) 263. A Georgia statute imposing a license on immigration agents was upheld by the United States Supreme Court. But this was more of a question of interstate commerce than the regulation of employment agencies. *Williams v. Fears*, 179 U. S. 270. In *Price v. People*, 93 Ill. 114, 25 L. R. A. 588, a statute imposing a license tax was held valid. But in a later decision was declared void because it prevented the laborers who obtained employment through the agency, from working for other employers in case of strikes. *Mathews v. People*, 203 Ill. 389, 63 L. R. A. 73.

CONSTITUTIONAL LAW—PROCESS—CONSTITUTIONAL PROVISION THAT ALL WRITS AND PROCESS SHALL RUN IN THE NAME OF THE STATE CONSTRUED DIRECTORY.—Sec. 38, Art. 6 of the Constitution of Missouri provides that "All writs and process shall run * * * in the name of the state of Missouri." An order of publication commenced as follows: "Order of Publication, State of Missouri, County of Sullivan—ss.: In the Circuit Court * * *." *Held*, the constitutional provision as to writs and process is directory, and the order of publication is sufficient. *Creason v. Yardly* (Mo.), 197 S. W. 830.

At common law all writs ran in the name of the sovereign, because judicial process is but the command of the sovereign, by whose authority the tribunal out of which it issues was established, to the person or officer to whom it is directed to do certain acts specified therein. Probably for this reason the various States of the Union have, in general, provided in their constitutions that all writs and process shall run in the name of the state. But as to the effect of such constitutional provisions the courts are divided. On the one hand, it is held that since the constitution has spoken on the question, it must be literally complied with, without hesitation or inquiry into the question whether, abstractly speaking, the thing required is essential or not. *Yeager v. Groves*, 78 Ky. 278; *Wallahan v. Ingersoll*, 117 Ill. 123, 7 N. E. 519. And a writ, whose caption read, "State of West Virginia, Kanawha County, ss.: To A. B., Constable," was held not to run in the name of the State of West Virginia, because the name of the county having been inserted,

the caption indicated merely the place where it was issued, and not the authority by which it was issued. *Beach v. O'Riley*, 14 W. Va. 55. The same view has been taken in Michigan. *Forbes v. Darling*, 94 Mich. 621, 7 N. W. 385. And also in an earlier Missouri case. *Fowler v. Watson*, 4 Mo. 27. However, it is immaterial in what part of the process the commonwealth is introduced, just so the command is given in its name. *White v. Commonwealth*, 6 Binney (Pa.) 17, 6 Am. Dec. 443.

On the other hand, it has been held that such constitutional provision is merely directory, and that process which does not run in the name of the state may be valid, provided it does not affect the substantial rights of the parties. *Truitt v. Baird*, 12 Kan. 420; *Creason v. Yardley*, *supra*. And where process commenced "State of Texas, County of Austin * * *," it was held that the name of the county might be rejected as mere surplusage. *Portis v. Parker*, 8 Tex. 23, 58 Am. Dec. 95.

This identical question seems never to have come up before the Supreme Court of Virginia. However, it has been held in Virginia that any count in an indictment was void, which failed to conclude "against the peace and dignity of the commonwealth," as provided by the constitution. *Commonwealth v. Carney*, 4 Gratt. 546; *Thompson v. Commonwealth*, 20 Gratt. 724; *Early v. Commonwealth*, 86 Va. 921.

The holding of the instant case that constitutional provisions are merely directory is manifestly unsound. But there may still be some ground for holding the order of publication to be sufficient, since it is merely constructive process, and the view might be taken that such is not process within the purview of the constitution. It has been held that although the state constitution provides that all process shall run in the name of the state, it is still within the power of the legislature to authorize notice of the institution of a suit to be given by an attorney or a party, instead of through a writ issuing out of court. *Gilmer v. Bird*, 15 Fla. 410.

CONTRACTS—CONSIDERATION—PERFORMANCE OF LEGAL OBLIGATION.—The defendant's daughter was engaged to marry G. The defendant made a contract with G, by which he promised to pay to his daughter in consideration of the marriage being consummated a certain sum of money annually. The marriage followed and for ten years the defendant continued to pay the annual instalments. The plaintiff held an assignment of the contract, and on the default of the defendant in the payment of an instalment, he brought an action on the contract. The defendant contended that there was no consideration for the agreement, because G was already engaged to the defendant's daughter and was under a legal duty to marry her. *Held*, there was consideration for the contract. *De Cicco v. Schweizer* (N. Y.), 117 N. E. 807. See NOTES, p. 354.

DIVORCE—GROUNDS—DESERTION.—A husband permitted his mother, who was a member of his family, to interfere with the household management and by word and act to otherwise make the wife's life unendurable. The wife left her husband, who made no attempt to effect a reconciliation and continued to keep his mother in charge of his household. Later suit was brought by the husband on the ground of desertion.